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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROBERT CINEK,
Defendant.

Criminal No. 14-Cr- 222

CONSENT JUDGMENT AND
ORDER OF FORFEITURE
(MONEY JUDGMENT)

WHEREAS, on or about April 11, 2014, defendant Robert Cinek pleaded guilty pursuant to a plea agreement with the United States to an Information charging him with the introduction of misbranded drugs into interstate commerce, in violation of 21 U.S.C. §§ 331(a), 333(a)(1), and 353(b);

WHEREAS, in the plea agreement, Robert Cinek admitted the forfeiture allegations of the Information and agreed to forfeit to the United States, pursuant to 21 U.S.C. § 334 and 28 U.S.C. § 2461(c), a total of \$21,174, a sum of money representing commissions received by the defendant from February 14, 2009, through August 26, 2010, as a result of the introduction of misbranded drugs into interstate commerce, contrary to 21 U.S.C. § 331(a);

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment;

WHEREAS, Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure provides that a preliminary order of forfeiture, including a preliminary order of forfeiture consisting of a money judgment, may become final at any time before sentencing if the defendant consents;

WHEREAS, defendant Robert Cinek:

- (1) Consents to the forfeiture to the United States, pursuant to 21 U.S.C. § 334 and 28 U.S.C. § 2461, of a total of \$21,174 as a sum of money representing commissions received by the defendant from February 14, 2009, through August 26, 2010, as a result of the introduction of misbranded drugs into interstate commerce, contrary to 21 U.S.C. § 331(a), as charged in the Information, to which the defendant has pleaded guilty;
- (2) Consents to the imposition of a money judgment in the amount of \$21,174 (the “Forfeiture Money Judgment”), and agrees that this Order is final at the time of its entry by the Court, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure;
- (3) Agrees promptly to tender to the United States a check in the full amount of the Forfeiture Money Judgment (the “Tendered Funds”);
- (4) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the defendant’s presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;
- (5) Acknowledges that he understands that forfeiture of property will be part of the sentence imposed upon him in this case and waives any failure by the Court to advise him of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing;
- (6) Waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the Tendered Funds; and
- (7) Waives all constitutional and statutory challenges of any kind to any forfeiture carried out pursuant to this Consent Judgment;

WHEREAS, good and sufficient cause has been shown,

It is hereby **ORDERED, ADJUDGED, AND DECREED**:

THAT, as a result of the offense charged in the Information, to which the defendant Robert Cinek has pleaded guilty, the defendant shall forfeit to the United States the sum of \$21,174. A money judgment in the amount of \$21,174 (the “Forfeiture Money Judgment”) is hereby entered against the defendant pursuant to 21 U.S.C. § 334 and 28 U.S.C. § 2461(c), and Federal Rule of Criminal Procedure 32.2(b).

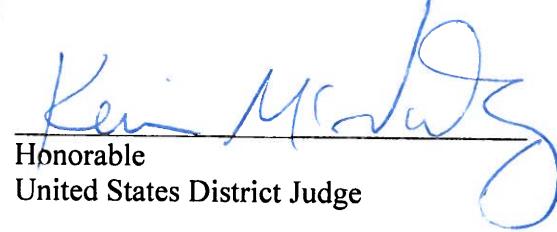
IT IS FURTHER ORDERED, that, the defendant having given his consent pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), upon entry of this Consent Judgment and Order of Forfeiture, this Order is final as to the defendant Robert Cinek, shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

IT IS FURTHER ORDERED that pursuant to 21 U.S.C. § 853, the United States Marshals Service is authorized to deposit the Tendered Funds in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

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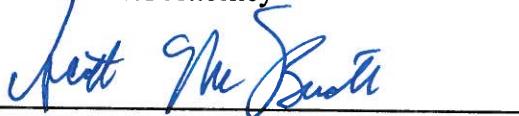
IT IS FURTHER ORDERED that this Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ORDERED this 11th day of April, 2014.


Honorable
United States District Judge

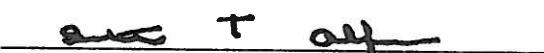
The undersigned hereby consent to the entry and form of this Order:

PAUL J. FISHMAN
United States Attorney


By: SCOTT B. McBRIDE
BARBARA A. WARD
Assistant United States Attorneys

Dated: 2/11/14

Linda I. Marks
Senior Litigation Counsel
Consumer Protection Branch
U.S. Department of Justice


SALVATORE T. ALFANO, ESQ.
Attorney for Defendant Robert Cinek

Dated: 01 - 24 - 14


Defendant Robert Cinek

Dated: 1-24-14